



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
Phone (517) 373-0128

Milton L. Mack, Jr.
State Court Administrator

MEMORANDUM

DATE: June 7, 2016

TO: All Judges
All Court Administrators
Magistrates

FROM: Milton L. Mack, Jr.

RE: MC 240 – Order for Pretrial Release

National reform efforts have emphasized the requirement that before imposing conditional release bonds on defendants, courts must first make the required determination that personal recognizance bonds will not reasonably ensure the defendant's appearance or will present a danger to the public.

MCR 6.106(C) and (D) require courts to order a personal recognizance or unsecured appearance bond unless the court determines that a personal recognizance bond will not reasonably ensure the appearance of the defendant as required or safety of the public.

If the court makes the determination that a personal recognizance bond is not sufficient, then the court, after considering the factors outlined in MCR 6.106(F), may order the pretrial release of the defendant on the condition or combination of conditions that the court determines are appropriate. If the court determines **for reasons it states on the record** that the defendant's appearance or the protection of the public cannot otherwise be assured, money bail, with or without other conditions, may be required. MCR 6.106(E).

To assist the courts with ensuring that the required determinations have been made, SCAO-approved form MC 240 – Pretrial Release Order has been revised to include a finding that consideration for release on personal recognizance was made and is either being ordered pursuant to MCR 6.106(C) or that release on personal recognizance will not reasonably ensure the defendant's appearance or public safety.

If you have questions, please feel free to contact Bobbi Morrow or Matthew Walker at TrialCourtServices@courts.mi.gov, 517-373-2173 (Bobbi), or 517-373-2217 (Matt).